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Filing date: **10/31/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058988
Party	Plaintiff Certified Roses, Ken Smith Rose Company, Michael Francis Roses, Conklin Rose Co., Star Roses and Plants/The Conrad-Pyle Co., Weeks Roses, Woolf Roses
Correspondence Address	R SCOTT JOHNSON MCKEE VOORHEES & SEASE 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309 UNITED STATES mvslit@ipmvs.com
Submission	Motion to Compel Discovery
Filer's Name	R. Scott Johnson
Filer's e-mail	scott.johnson@ipmvs.com
Signature	/s/ R. Scott Johnson
Date	10/31/2014
Attachments	Motion to Compel.pdf(25340 bytes ) CLD DEC.pdf(69804 bytes ) Exhibit 1.pdf(30853 bytes ) Exhibit 2.pdf(40344 bytes ) Exhibit 3.pdf(100505 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<div>CERTIFIED ROSES, CONKLIN ROSE CO., KEN SMITH ROSE COMPANY, FRANCIS ROSES, STAR ROSES AND PLANTS, WEEKS ROSES AND WOOLF ROSES,  Petitioner,  v.  W. KORDES SONNE ROSENSCHULEN GMBH &amp; CO. KG,  Registrant.</div>	<div>Cancellation. No: 92058988  Registration No. 3,229,263 Registered: April 17, 2007  <b>REQUEST FOR EXPEDITED RELIEF</b></div>
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**PETITIONERS' MOTION TO COMPEL DISCOVERY**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Certified Roses, Conklin Rose Co., Ken Smith Rose Company, Michael Francis Roses, Star Roses and Plants/The Conrad-Pyle Co., Early Morning, LLC, d/b/a Weeks Roses, and Woolf Roses, (collectively "Petitioners") filed a Petition to Cancel Registrant's Mark on April 2, 2014. On April 8, 2014, the TTAB issued a Notice of Discovery Deadlines and Trial Date. Pursuant to this Notice, Petitioners timely served discovery requests.

Petitioners propounded interrogatories and document requests on September 23, 2014. Registrant's responses were due on October 27, 2014. No responses were served. Thereafter, Petitioners counsel followed up with Registrant's counsel by email on October 30, 2014

regarding the status of the responses and Registrant's counsel advised that they had been instructed to take no further action in this matter. (See Declaration of Christine Lebrón-Dykeman, attached hereto).

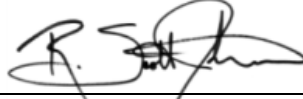
This motion is brought pursuant to Trademark Trial and Appeal Board Manual of Procedure ("TBMP") 403.03 (Time for Service of Discovery Responses), § 411 (Remedy for Failure to Provide Discovery, § 523 (Motions to Compel) and 37 C.F.R. 2.120(e). Pursuant to 37 C.F.R. 2.120(e), counsel for Petitioners herein submits a written statement indicating that counsel has made a good faith effort to resolve the discovery disputes without TTAB involvement, and has been unsuccessful in these efforts. (See Lebrón-Dykeman Declaration).

Petitioners' requests were timely served, and Registrant has failed to either respond, or request any extension of time for response. Still further, Registrant has failed to provide any explanation as to why no responses were timely served. Thus, in order to avoid prejudice to Petitioner, the TTAB should order Registrant to answer the requests forthwith. Further, pursuant to TBMP 403.03, because Registrant failed to respond to the discovery requests during the time allowed therefor, and has failed to show that the failure to respond resulted from excusable neglect, Registrant should be held to have forfeited any rights to object to the discovery requests on the merits. *See No Fear Inc. Rule*, 54 U.S.P.Q.2d 1551, 1554 (T.T.A.B. 2000); *MacMillan Bloedel Ltd. v. Arrow-M Corp.*, 203 U.S.P.Q. 952, 953 (T.T.A.B. 1979).

For all the foregoing reasons, Petitioners respectfully requests the TTAB order Registrant to answer interrogatories, and produce documents forthwith, having forfeited any right to object to the discovery requests on the merits. Still further, as Registrant has instructed its counsel to "take no further action in this matter," and thus presumptively no response will be filed to this

motion, Petitioners request that this motion be heard on an expedited basis to avoid unnecessary delay.

Respectfully submitted,



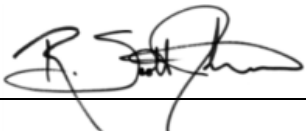
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Email: christine.lebrondykeman@ipmvs.com

*ATTORNEYS FOR PETITIONER*

### **CERTIFICATE OF FILING**

I hereby declare that the foregoing document has been filed via the Electronic System for Trademark Trials and Appeals (ESTTA) this 31<sup>st</sup> day of October, 2014.



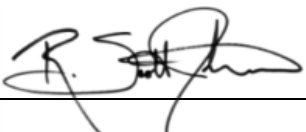
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### **CERTIFICATE OF SERVICE**

I hereby declare that the foregoing document was served upon the following this 31<sup>st</sup> day of October, 2014, via:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1 <sup>st</sup> Class U.S. Mail | <input type="checkbox"/> Federal Express |
| <input type="checkbox"/> Facsimile                                  | <input type="checkbox"/> Hand Delivery   |
| <input checked="" type="checkbox"/> Other <u>email</u>              |  |

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FOLEY & GARDNER LLP  
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**Email:** IPDocketing@foley.com  
**Email:** rweisbein@foley.com  
**Email:** nrich@foley.com



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CERTIFIED ROSES, CONKLIN ROSE CO.,  
KEN SMITH ROSE COMPANY, FRANCIS  
ROSES, STAR ROSES AND PLANTS,  
WEEKS ROSES AND WOOLF ROSES,

Petitioner,

V.

W. KORDES SONNE ROSENSCHULEN  
GMBH & CO. KG,

Registrant.

Cancellation. No: 92058988

Registration No. 3,229,263

Registered: April 17, 2007

**37 C.F.R. § 2.120 STATEMENT OF CHRISTINE LEBRÓN-DYKEMAN**

I, Christine Lebrón-Dykeman, being sworn, hereby declare and state as follows:

1. I am attorney of record for Certified Roses, Conklin Rose Co., Ken Smith Rose Company, Michael Francis Roses, Star Roses and Plants/The Conrad-Pyle Co., Early Morning, LLC, d/b/a Weeks Roses, and Woolf Roses, Petitioners in the above-referenced matter.

2. Petitioners propounded interrogatories and document requests on September 23, 2014. (Attached hereto as Exhibits 1 and 2 are true and correct copies of interrogatories and document requests served on September 23, 2014).

3. Registrant's responses were due on October 27, 2014.

4. No responses were served.

5. In an attempt to have a meet and confer, I followed up with Registrant's counsel by email on October 30, 2014 asking as to the status of the responses.

6. Registrant's counsel responded by email, advising that they had been instructed to take no further action in this matter. (Attached hereto as Exhibit 3 is a true and correct copy of the October 30, 2014 email correspondence between me and Norm J. Rich at Foley & Lardner).

7. There has been no notice of withdrawal of counsel in this matter and thus we

cannot contact Registrant directly for any additional meet and confer.

Dated this 31st day of October 2014.



Christine Lebrón-Dykeman

STATE OF IOWA    )  
                              )     SS.  
COUNTY OF POLK )

Subscribed and sworn to before me, a notary public in the State of Iowa, this 31<sup>st</sup> day of  
October 2014.



Notary Public in and for the State of Iowa

My commission expires 1/24/15 COMMISSION # 720557

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE REGISTRANT'S ALLEGED MARK TRIAL AND APPEAL BOARD**

<p>CERTIFIED ROSES, CONKLIN ROSE CO., KEN SMITH ROSE COMPANY, FRANCIS ROSES, STAR ROSES AND PLANTS, WEEKS ROSES AND WOOLF ROSES,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>W. KORDES SONNE ROSENSCHULEN GMBH &amp; CO. KG,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation. No: 92058988</p> <p>Registration No. 3,229,263 Registered: April 17, 2007</p>
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**PETITIONERS' FIRST SET OF INTERROGATORIES TO REGISTRANT**

COMES NOW Petitioners Certified Roses, Conklin Rose Co., Ken Smith Rose Company, Francis Roses, Star Roses and Plants, Weeks Roses, and Woolf Roses ("Petitioners")), by its undersigned counsel, and requests that Registrant, W Kordes Sonne Rosenschulen GMBH & Co. KG ("Registrant") respond to the following Interrogatories under oath and in accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice. A copy of Registrant's answers must be served upon the undersigned attorneys at the offices of McKee, Voorhees & Sease, P.L.C., 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, within thirty (30) days of the service of these Interrogatories.

**DEFINITIONS**

Petitioners hereby incorporate by reference the Definitions and Instructions set forth in Petitioners' First Set of Document Requests.



### **ADDITIONAL INSTRUCTIONS**

1. You are required to answer the following interrogatories separately and fully in writing and under oath, within the time requirements as set forth above. When answering the interrogatories, You are required to furnish such information as is available to You, including, but not limited to, information known to Your officers, employees, licensees, agents or anyone acting for or on Your behalf.

2. If You have no information about the subject of a particular interrogatory or if for some other reason You are unable to answer it, the response to that interrogatory should specifically so state, and no interrogatory should be without some response.

3. If You cannot answer an interrogatory completely, answer as fully as You can and specify the ways in which Your response may be incomplete because of Your lack of knowledge. If you do not know exact dates, amounts, or other facts with certainty, but You have information from which You can make an appropriate or estimated answer, do so, and indicate that the answer is appropriate or estimated because You lack more precise information.

4. Documents referred to in an interrogatory pursuant to Federal Rule of Civil Procedure 33(d) should be expressly identified by the interrogatory to which they pertain.

5. Except as otherwise expressly directed herein, each paragraph of the interrogatories should be construed independently and not by reference to any other paragraph herein for the purpose of limiting the scope of the interrogatory being answered.

6. If any of the documents requested have been destroyed, identify each such document, state the date upon which the document was destroyed, and state the reasons it was destroyed.

7. If any privilege is claimed with respect to any document or communication identify the document or communication, and state the privilege claimed and the basis therefore.

8. An Interrogatory calling for the "basis" or "bases" of any statement, allegation, or answer is a request that You state and identify completely all sources upon which such statement, allegation, or answer is predicted including, without limitation, all facts, documents, things, and persons most knowledgeable; and state and identify completely every act, omission, conduct, event, transaction, document, meeting, or occasion about which You have knowledge or information which forms the predicate for any such statement, allegation, or answer.

9. With respect to each of the following interrogatories, the information sought is that which is current to the date of service thereof, unless otherwise stated in a particular interrogatory, but these interrogatories shall be deemed continuing so that with respect to any interrogatory herein, or part thereof, as to which You, after answering, acquired additional knowledge or information, You shall supplement the answers consistent with its obligations under the Federal Rules of Civil Procedure.

10. In any instance where any answers to an interrogatory or subpart thereof shall require specifying or identifying a "person," "party," or "document," such specification or identification should be provided.

### **INTERROGATORIES**

**Interrogatory No. 1:** Identify and describe all prior efforts by Registrant to protect Registrant's Alleged Mark, including but not limited to sending of any cease and desist letters or the filing of any other opposition proceedings, cancellation proceedings, letters of protest, or other state or

federal litigation. As part of the description, also identify the marks to which Registrant has objected, and describe the response or result received.

**Answer:**

**Interrogatory No. 2:** Identify and describe all prior efforts by Registrant to demonstrate its ownership of Registrant's Alleged Mark in the United States.

**Answer:**

**Interrogatory No. 3:** Identify and describe any system set up to monitor unauthorized usages of Registrant's Alleged Mark in the United States.

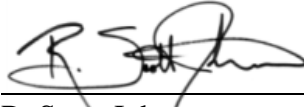
**Answer:**

**Interrogatory No. 4:** Identify any and all United States licensees of any and all live plants, including roses bearing Registrant's Alleged Mark, including the name, address and contact information of any licensee.

**Answer:**

**Interrogatory No. 5:** Identify any books, publications, articles or trade journals in Your possession that refer to and/or relate to any and all live plants, including roses bearing Registrant's Alleged Mark.

Respectfully submitted,



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Christine Lebrón-Dykeman  
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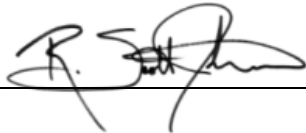
*ATTORNEYS FOR PETITIONERS*

**CERTIFICATE OF SERVICE**

I hereby declare that the foregoing document was served upon the following this 22<sup>nd</sup> day of September, 2014, via:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1 <sup>st</sup> Class U.S. Mail | <input type="checkbox"/> Federal Express |
| <input type="checkbox"/> Facsimile                                  | <input type="checkbox"/> Hand Delivery   |
| <input checked="" type="checkbox"/> Other <u>Email</u>              |  |

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**Email:** rweisbein@foley.com  
**Email:** nrich@foley.com

  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<div>CERTIFIED ROSES, CONKLIN ROSE CO., KEN SMITH ROSE COMPANY, FRANCIS ROSES, STAR ROSES AND PLANTS, WEEKS ROSES AND WOOLF ROSES,  Petitioners,  v.  W. KORDES SONNE ROSENSCHULEN GMBH &amp; CO. KG,  Registrant.</div>	<div>Cancellation. No: 92058988  Registration No. 3,229,263 Registered: April 17, 2007</div>
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**PETITIONERS' FIRST SET OF REQUESTS FOR DOCUMENTS AND THINGS**

COMES NOW Petitioners, Certified Roses, Conklin Rose Co., Ken Smith Rose Company, Francis Roses, Star Roses and Plants, Weeks Roses, and Woolf Roses ("Petitioners"), by its undersigned counsel, and requests that Registrant, W. Kordes Sonne Rosenschulen GMBH & Co. KG ("Registrant") respond to the following document requests in accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice. Registrant is requested to serve its responses and produce the requested documents to Petitioner's counsel, McKee, Voorhees & Sease, P.L.C, 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, within thirty (30) days of service hereof.

**DEFINITIONS**

In the document requests below, the following definitions shall apply:

All/Each.      The terms "all" and "each" shall be construed as all and each.

And/Or. The connectives "and," "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

Communication. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

Concerning. The term "concerning" means relating to, referring to, pertaining to, describing, evidencing or constituting.

Date. The term "date" means the exact date, month, and year if ascertainable; if not, then the closest approximation that can be made thereto in terms of months and years, seasons, or relation to other events and matter.

Describe. The term "describe" means to provide a narrative statement or description phrased in specifics, of the facts or matters to which the discovery request refers, including, but not limited to, an Identification of all persons, communications, acts, transactions, events, agreements, recommendations, and documents used, necessary or desirable to make such statement or description complete.

Documents. The term "document" is defined to be synonymous in meaning and equal in scope with the broadest usage of such term in Federal Rule of Civil Procedure 34. Such term includes, without limitation, any writing and each original, master and every copy of the following items, however produced or reported, namely: books, accounting records of any nature whatsoever, agreements, communications, correspondence, telegrams, cables, telexes, facsimile documents, files and their contents, file folders and their contents, books and their contents, memoranda, recordings, studies, summaries or records of telephone conversations, summaries or records of personal conversations or interview, diaries, letters, forecasts, statistical statements,

graphs, laboratory or engineering reports and records, notebooks, charts, plans, sketches, drawings, information-bearing photographic products of any nature whatsoever, phonograph records, microfilms, tape recordings, minutes or records of meetings or conferences, expressions or statements of policy, lists of persons attending meetings or conferences, reports or summaries of interviews, reports or summaries of investigations, opinions or reports of consultants, appraisals, opinions of counsel, records, reports or summaries of negotiations, sales literature of any nature whatsoever, brochures, catalogues, catalogue sheets, price lists, pamphlets, periodicals, advertisements, circulars or trade letters, press releases, trade releases, publicity releases, new product releases, reprints, drafts of any documents, working papers, indexes, notes of any nature whatsoever, marginal notes appearing on any documents, computer printouts, computer disks, computer memory files, emails, and other data compilations from which information can be obtained or translated, if necessary, by Registrant through detection devices into reasonably usable form.

Identify or Identification. The terms "identify" or "identification" shall mean:

(a) When used with respect to an individual or natural person, to state: (1) his name; (2) any other name used by him presently or in the past; (3) his present or last known business address, residence address and telephone numbers; and (4) the corporation, partnership, association, foundation, trust, organization or other entity, and the functional division thereof, with which he is now associated, and his title, status, position, rank or classification with such entity at the present and through the time period specified.

(b) When used with respect to a person other than a natural person, including, but not limited to, any corporation, partnership, association, foundation, trust, organization, or other entity or functional division thereof, to state: (1) its full name; (2) the address of its principal



office or place of business; (3) all names under which it is doing business or ever has done business; (4) the nature of the venture (e.g., sole proprietorship, partnership, corporation, etc.); and (5) the identities of its officers, directors, partners or administrators.

(c) When used with respect to a communication: (1) state the dates and places of origin and reception of such communications; (2) Identify each person who was present at or participated in such communication; (3) Identify the type of communication (e.g., letter, facsimile transmission, face-to-face conversation, telephone conversation, etc.); (4) Describe the substance of each such communication; and (5) Identify each document which records, shows, or refers to such communication.

(d) When used with respect to a document or tangible thing, to state: (1) the type of document or tangible thing (e.g., letter, memoranda, computer disk, etc.); (2) the date it was created; (3) its authors and signatories; (4) the addresses and all other persons receiving copies; (5) the nature and substance of the document with sufficient particularity to enable it to be Identified; (6) its location and its custodian (or if it is no longer within Your possession, custody or control, state what disposition was made of it; state the date of such disposition; Identify every person who participated in or approved such disposition; and Identify the person or persons having knowledge of its contents); and (7) its Bates number, numbers or ranges.

(e) When used with respect to a fact to: (1) Describe the fact; (2) state when it became known to Registrant; (3) Identify the source from which Registrant learned it; (4) Identify the documents that record, show or refer to the fact; and (5) state why You believe the fact is true.

(f) When used with respect to an act, transaction, occurrence, dealing or instance state to the extent known the date, include year, month and day, when it occurred; the place

where it occurred; the identity of each person participating therein; on whose behalf each said person participated or purported to participate; the nature, subject matter, and circumstances surrounding it; the nature and substance of all conversations or oral communication occurring during, or in connection with it; and identify all documents which relate or refer to or reflect such act, transaction, occurrence, dealing or instance.

Number. The use of the singular form of any word includes the plural and vice versa.

Petitioners. The term "Petitioners" shall mean Certified Roses, Conklin Rose, Co., Ken Smith Rose Company, Francis Roses, Star Roses and Plants, Weeks Roses, and Woolf Roses.

Person/Persons. The term "person" and "persons" mean any natural person or any business, legal or government entity, including but not limited to, corporation, partnership, proprietorship, trust, association, organization, or group of persons and any functional division thereof.

Registrant/You/Your. Each of these terms shall mean W. Kordes Sonne Rosenschulen GMBH & Co. KG and all parents, subsidiaries, divisions, predecessors-in-interest, successors-in-interest, affiliates, partners, and joint venturers thereof, and the past and present employees, directors, shareholders, agents, representatives, and officers thereof.

Relating to. The term "relating to" means relating to in its broadest sense and includes, where appropriate, "referring to," "comprising," "constituting," "consisting of," "regarding," "reflecting," "representing," "evidencing," and "concerning."

State. The term "state" means to express the particulars in writing or set down and set forth in detail.

Registrant's Alleged Mark. The term "Registrant's Alleged Mark" shall mean the term ICEBERG as identified in ICEBERG, Reg. No. 4,438,256, in International Class 031.

### **INSTRUCTIONS**

1. If the original of a document is within your possession, custody, or control, produce it; if not, produce such copy of it as it is in your possession, custody or control. Any copy of a document on which any notation, addition, alteration or change has been made is to be treated as an additional original document.

2. Produce files, file folders, books, etc. together with the documents they contain.

3. If any of the documents requested have been destroyed, identify each such document, state the date upon which the document was destroyed, and state the reason it was destroyed.

4. If any privilege is claimed with respect to any document or communication, identify the document or communication, and state the privilege claimed and the basis therefor.

5. Where any draft, copy, or reproduction of any document responsive to any of the following requests has been revised to include any postscript, notation, change, amendment or addendum not appearing on said document itself as originally written, typed or otherwise prepared, produce each such draft, copy or reproduction.

### **DOCUMENT REQUESTS**

**Request No. 1:** All licenses, distribution, and/or grower agreements relating to the use of Registrant's Alleged Mark.

**Response:**

**Request No. 2:** Any and all documents relating to or referring to all licenses, distribution, and/or grower agreements relating to the use of Registrant's Alleged Mark.

**Response:**

**Request No. 3:** Any and all documents demonstrating Registrant's and/or Registrant's licensees use of the registration ® and/or trademark ™ symbol in connection with use of Registrant's Alleged Mark.

**Response:**

**Request No. 4:** Any and all documents relating to or referring to any and all agreements with NewFlora LLC.

**Response:**

**Request No. 5:** Any and all advertising and marketing materials distributed in the United States, for any and all products designated with Registrant's Alleged Mark, from Registrant's date of first use to the present.

**Response:**

**Request No. 6:** Representative copies of any labels, packaging, and/or tags showing use of Registrant's Alleged Mark with the registration ® and/or trademark ™ symbol or any other designation denoting ownership of Registrant's Alleged Mark.

**Response:**

**Request No. 7:** Any and all documents referring to, relating to and/or demonstrating Registrant's efforts to protect, police, or enforce Registrant's asserted trademark rights in Registrant's Alleged Mark, including, but not limited to, the sending of letters (including, without limitation, cease-and-desist letters), the filing of oppositions or cancellations against any third party or third party's mark(s) and the serving or filing of any state or federal litigation.

**Response:**

**Request No. 8:** Any and all patent applications, plant patent applications or applications filed under the Plant Variety Act (PVP) filed by Registrant, or on Registrant's behalf, anywhere in the world referring or relating to live plants, including roses that reference the term Iceberg.

**Response:**

**Request No. 9:** Any and all patent, plant patent, or PVP applications/registrations Registrant is aware of that refer or relate to roses or other live plants that reference the term Iceberg anywhere therein.

**Response:**

**Request No. 10:** Any and all trade, sales, or product literature; brochures; promotional materials; advertisements; journal articles; scientific presentations; demonstrations; papers; abstracts; speeches; videotapes; and other descriptive materials referring or relating to roses identified that reference the term Iceberg anywhere therein.

**Response:**

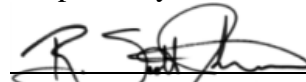
**Request No. 11:** Any and all trade, sales, or product literature; brochures; promotional materials; advertisements; journal articles; scientific presentations; demonstrations; papers; abstracts; speeches; videotapes; and other descriptive materials referring or relating to roses that utilized the varietal name "Iceberg".

**Response:**

**Request No. 12:** Any and all trade, sales, or product literature; brochures; promotional materials; advertisements; journal articles; scientific presentations; demonstrations; papers; abstracts; speeches; videotapes; and other descriptive materials referring or relating to roses that utilized the cultivar name "Iceberg".

**Response:**

Respectfully submitted,



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R. Scott Johnson  
Christine Lebrón-Dykeman  
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Email: scott.johnson@ipmvs.com  
Email: christine.lebrondykeman@ipmvs.com

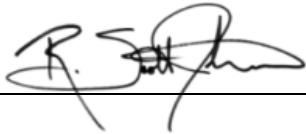
*ATTORNEYS FOR PETITIONER*

### **CERTIFICATE OF SERVICE**

I hereby declare that the foregoing document was served upon the following this 22<sup>nd</sup> day of September, 2014, via:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1 <sup>st</sup> Class U.S. Mail | <input type="checkbox"/> Federal Express |
| <input type="checkbox"/> Facsimile                                  | <input type="checkbox"/> Hand Delivery   |
| <input checked="" type="checkbox"/> Other: <u>Email</u>             |  |

Robert S. Weisbein, Esq.  
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**Fax:** (212) 687-2329  
**Email:** IPDocketing@foley.com  
**Email:** rweisbein@foley.com  
**Email:** nrich@foley.com



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## Christine Lebrón-Dykeman

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**From:** NRich@foley.com  
**Sent:** Thursday, October 30, 2014 4:05 PM  
**To:** Christine Lebrón-Dykeman; Shaya M. Zacharias  
**Cc:** !DeptLitigation; Alexandria M. Christian; R. Scott Johnson; ipdocketing@foley.com; RWeisbein@foley.com  
**Subject:** RE: Certified Roses, et al. v. W. Kordes Sonne Rosenschulen GmbH & Co. KG (F&L Ref. 049919-0106)

Regrettably, we are not authorized to take any action/withdraw the application.

Norm

Norm J. Rich  
Foley & Lardner LLP  
3000 K Street, N.W. | Suite 600  
Washington, DC 20007-5109  
P 202.945.6100

-----Original Message-----

From: Christine Lebrón-Dykeman [mailto:Christine.Lebbron-Dykeman@ipmvs.com]  
Sent: Thursday, October 30, 2014 12:45 PM  
To: Rich, Norman J.; Shaya M. Zacharias  
Cc: !DeptLitigation; Alexandria M. Christian; R. Scott Johnson; IP Docketing; Weisbein, Robert S.  
Subject: RE: Certified Roses, et al. v. W. Kordes Sonne Rosenschulen GmbH & Co. KG (F&L Ref. 049919-0106)

Gentlemen,

Thank you for your email. We are just now wondering if Kordes is intending to file an express abandonment or if we need to go through the procedures of filing a motion to compel and then a motion for sanctions (e.g., default). We look forward to hearing from you.

Thank you again.

Christine Lebron-Dykeman  
McKee, Voorhees & Sease  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309  
phone: 515-288-3667  
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-----Original Message-----

From: NRich@foley.com [mailto:NRich@foley.com]

Sent: Thursday, October 30, 2014 11:38 AM

To: Christine Lebrón-Dykeman; Shaya M. Zacharias

Cc: !DeptLitigation; Alexandria M. Christian; R. Scott Johnson; ipdocketing@foley.com; RWeisbein@foley.com

Subject: RE: Certified Roses, et al. v. W. Kordes Sonne Rosenschulen GmbH & Co. KG (F&L Ref. 049919-0106)

Christine,

We have been instructed by our client to take no further action on the matter.

Norm J. Rich

Foley & Lardner LLP

3000 K Street, N.W. | Suite 600

Washington, DC 20007-5109

Phone: 202.945.6100

Email: nrich@foley.com

-----Original Message-----

From: Christine Lebrón-Dykeman [mailto:Christine.Lebbron-Dykeman@ipmvs.com]

Sent: Thursday, October 30, 2014 12:21 PM

To: Shaya M. Zacharias; IP Docketing; Weisbein, Robert S.; Rich, Norman J.

Cc: !DeptLitigation; Alexandria M. Christian; R. Scott Johnson

Subject: RE: Certified Roses, et al. v. W. Kordes Sonne Rosenschulen GmbH & Co. KG

Gentlemen, We are following up on the requests below. Our records reflect they were due on October 27, 2014. Please advise.

Christine Lebron-Dykeman

McKee, Voorhees & Sease

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309

phone: 515-288-3667

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-----Original Message-----

From: Shaya M. Zacharias

Sent: Tuesday, September 23, 2014 3:20 PM

To: 'IPDocketing@foley.com'; 'rweisbein@foley.com'; nrich@foley.com

Cc: !DeptLitigation; Alexandria M. Christian; Christine Lebrón-Dykeman; R. Scott Johnson

Subject: Certified Roses, et al. v. W. Kordes Sonne Rosenschulen GmbH & Co. KG

Counsel,

Please see attached discovery requests for service.

Shaya M. Zacharias

Legal Assistant

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